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Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3651]

IN THE MATTER OF RESEARCH ASSOCIATES, INC., ET AL.

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondents' "Dermagell", organic soap compound, or other similar preparation or compound, that such preparation is the discovery of the century, or soothes and heals or penetrates the innermost recesses of the pores of the skin, or that its use will leave the skin and scalp youthfully fresh and invigorated, or will give any woman a soft, clear, smooth complexion or beautiful hair, or that the benefits obtained from its use are distinct and lasting, or that it actually protects the skin, or prevents or cures skin disorders, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Research Associates, Inc., et al., Docket 3651, May 11, 1940]

IN THE MATTER OF RESEARCH ASSOCIATES, INC., A CORPORATION, AND DERMAGELL, INC., A CORPORATION

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before

Randolph E. Preston, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, no evidence having been offered by respondents, brief filed herein by counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Research Associates, Inc., and Dermagell, Inc., their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of an organic soap compound formerly known as "Dermagell", or any other preparation or compound composed of similar ingredients or possessing similar properties, whether sold under that name or any other name, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing:

That said preparation is the discovery of the century; that respondents' preparation soothes and heals or that it penetrates the innermost recesses of the pores of the skin; that its use will leave the skin and scalp youthfully fresh and invigorated; that its use will give any woman a soft, clear, smooth complexion or beautiful hair; that the benefits obtained from its use are distinct and lasting; that it actually protects the skin; or that it prevents or cures skin disorders.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2030; Filed May 18, 1940;
10:10 a. m.]

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[Docket No. 2987]

IN THE MATTER OF ANHEUSER-BUSCH, INC.

§ 3.45 (e) (1.5) *Discriminating in price—Indirect discrimination—Charges and prices—Periodic quantity purchase base—Schedules.* Discriminating in price, in connection with offer, sale and distribution of bakers' yeast in interstate commerce or in District of Columbia, between different purchases of such yeast of like grade and quality, either directly or indirectly, by selling said bakers' yeast at different prices based upon the total quantity or volume purchased or required monthly by the respective purchasers, as set forth in Paragraph Four of said findings of fact [i. e., as there set forth, by selling to purchasers under schedule in accordance

with which, as applied by respondent, customer's monthly requirements, irrespective of purchase of all or part thereof from respondent, fix customer's price classification and price paid on monthly purchases actually made of respondent, and under which, as thus applied, customer in classification ranging from 1 to 150 pounds per month pays at rate of 25 cents per pound on his purchases from respondent, customer falling in classification from 150 to 300 pounds thus pays 23 cents, and customers falling in the nine other classifications receive increasingly favorable prices, with customer in 10,100 to 50,000 pounds class paying 14½ cents per pound on his purchases of respondent, and customer in eleventh and last class of 50,000 pounds up per month paying 14 cents on such purchases], prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Anheuser-Busch, Inc., Docket 2987, May 11, 1940]

§ 3.45 (e) (1.5) *Discriminating in price—Indirect discrimination—Charges and prices—Periodic quantity purchase base—Purchase sources regardless.* Discriminating in price, in connection with offer, sale and distribution of bakers' yeast in interstate commerce or in District of Columbia, between different purchasers of such yeast of like grade and quality, either directly or indirectly, by selling said bakers' yeast at different prices based upon the total quantity or volume purchased (whether from the respondent or from any other source) over a period of time by the respective purchasers, where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce in which respondent or any of its customers are engaged, or to injure, destroy or prevent competition with respondent or any of its customers, except where said differentials in price, based upon the quantities or volume purchased from the respondent during such period of time by said respective purchasers, make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such bakers' yeast is to such purchasers sold or delivered during the period of time for which such differentials are allowed, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Anheuser-Busch, Inc., Docket 2987, May 11, 1940]

§ 3.45 (e) (1.5) *Discriminating in price—Indirect discrimination—Charges and prices—Periodic quantity purchase base—Purchase sources and multiple delivery requirements regardless.* Discriminating in price, in connection with offer, sale and distribution of bakers' yeast in interstate commerce or in District of Columbia, between different purchasers of such yeast of like grade and quality, either directly or indirectly by means of price differences resulting from

selling said bakers' yeast to a single purchaser at prices based upon the total quantity or volume purchased (whether from the respondent or from any other source) during a period of time by such purchaser, irrespective of the quantities or volume delivered by the respondent to the separate plants, factories, bakeries, or warehouses of such purchaser, where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce in which respondent or any of its customers is engaged, or to injure, destroy or prevent competition with respondent or any of its customers, except where said differentials in price make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which said bakers' yeast is to such purchasers sold or delivered, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Anheuser-Busch, Inc., Docket 2987, May 11, 1940]

§ 3.45 (c) (1) *Discriminating in price—Direct discrimination—Charges and prices—"Off-scale" selling.* Discriminating in price, in connection with offer, sale and distribution of bakers' yeast in interstate commerce or in District of Columbia, between different purchasers of such yeast of like grade and quality, either directly or indirectly, by selling said bakers' yeast to certain of such purchasers at so-called "off-scale" prices, as described in Paragraph 5 of the findings of fact [i. e., as there set forth, by deviating from schedule under which, in accordance with eleven price classifications, customer pays on monthly purchases of respondent price ranging from 23 cents to 14 cents per pound, so as to allow certain customer-purchasers buying any or all of their requirements from it and falling in the same quantity bracket with other customer-purchasers, to purchase at "off-scale" prices, or at lower prices than such customers should pay according to said scale and on basis of purchasing all their requirements from it], even though the differentials in price of any given price scale make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which said bakers' yeast is to such purchasers sold or delivered during the period of time for which such differentials in price are allowed, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Anheuser-Busch, Inc., Docket 2987, May 11, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer filed herein on April 30, 1940,

by respondent, admitting all the material allegations of the complaint to be true and waiving the taking of evidence and all other intervening procedure, and the stipulation whereby certain testimony and other evidence taken in the proceeding before the Commission styled In the Matter of Standard Brands, Inc., et al., Docket No. 2986, was made additional testimony and evidence in support of the allegations of the complaint in this proceeding, and the Commission being of the opinion that said respondent has violated the provisions of Section 2 (a) of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes" (the Clayton Act) as amended, and having made its report, stating its findings as to the facts and its conclusions:

It is ordered, That the respondent, Anheuser-Busch, Inc., its officers, representatives, agents, and employees, directly or indirectly, in connection with the offering for sale, sale and distribution of bakers' yeast in interstate commerce, or in the District of Columbia, do forthwith cease and desist from discriminating in price between different purchasers of bakers' yeast of like grade and quality, either directly or indirectly:

(1) By selling said bakers' yeast at different prices based upon the total quantity or volume purchased or required monthly by the respective purchasers, as set forth in Paragraph Four of said findings of fact;

(2) By selling said bakers' yeast at different prices based upon the total quantity or volume purchased (whether from the respondent or from any other source) over a period of time by the respective purchasers, where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce in which respondent or any of its customers are engaged, or to injure, destroy or prevent competition with respondent or any of its customers, except where said differentials in price, based upon the quantities or volume purchased from the respondent during such period of time by said respective purchasers, make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such bakers' yeast is to such purchasers sold or delivered during the period of time for which such differentials are allowed;

(3) By means of price differences resulting from selling said bakers' yeast to a single purchaser at prices based upon the total quantity or volume purchased (whether from the respondent or from any other source) during a period of time by such purchaser, irrespective of the quantities or volume delivered by the respondent to the separate plants, factories, bakeries, or warehouses of such purchaser, where the effect of

such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce in which respondent or any of its customers is engaged, or to injure, destroy or prevent competition with respondent or any of its customers, except where said differentials in price make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which said bakers' yeast is to such purchasers sold or delivered;

(4) By selling said bakers' yeast to certain of such purchasers at so-called "off-scale" prices as described in Paragraph Five of said findings of fact, even though the differentials in price of any given price scale make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which said bakers' yeast is to such purchasers sold or delivered during the period of time for which such differentials in price are allowed.

It is further ordered, That the respondent shall, within 60 days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2038; Filed, May 20, 1940;
11:16 a. m.]

[Docket No. 3988]

IN THE MATTER OF DR. VAN VLECK
COMPANY

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's "Dr. Van Vleck's Ointment," "Dr. Van Vleck's Muco-Cones," "Dr. Van Vleck's Pills," or other similar medicinal preparations, which advertisements represent, directly or through implication, that respondent's preparations, whether used separately or conjointly, are (1) cures or remedies for piles or that said preparations constitute competent or effective treatments therefor, or that said preparations have any therapeutic value in the treatment thereof in excess of the relief obtained through the prevention of constipation and the use of a mild analgesic, or (2) will bring immediate or lasting relief from said condition, or will correct or remove the cause of piles, or will absorb, remove or eradicate protruding external or internal hem-

orrhoidal protuberances without surgical aid, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dr. Van Vleck Company, Docket 3988, May 13, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Dr. Van Vleck Company, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails, or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the medicinal preparations known as "Dr. Van Vleck's Ointment," "Dr. Van Vleck's Muco-Cones," "Dr. Van Vleck's Pills," or any other medicinal preparations possessing substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated any advertisements, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said medicinal preparations, in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisements represent, directly, or through implication:

(1) That respondent's preparations, whether used separately or conjointly, are cures or remedies for piles or that said preparations constitute competent or effective treatments therefor, or that said preparations have any therapeutic value in the treatment of piles in excess of the relief obtained through the prevention of constipation and the use of a mild analgesic;

(2) That respondent's preparations, whether used separately or conjointly, will bring immediate or lasting relief from piles; or will correct or remove the cause of piles; or will absorb, remove or eradicate protruding external or internal hemorrhoidal protuberances without surgical aid.

It is further ordered, That the respondent shall, within sixty (60) days after

service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2039; Filed, May 20, 1940;
11:16 a. m.]

[Docket No. 3992]

IN THE MATTER OF THEODORE RADIN, INC.

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's drug-containing "Glycirenin," "Glycirenin-Forte," "Jodirenin," "Inhaledrin-Compositum" and "Aerizon," or other similar medicinal preparations, which advertisements represent, directly or through implication, that aforesaid medicinal preparations are cures or remedies for asthma, hay fever, sinus discomfort, bronchial asthma and other bronchial ailments, or that they constitute competent and effective treatments therefor in excess of furnishing temporary symptomatic relief from the paroxysms of asthma, attacks of hay fever, bronchial irritations and sinus discomforts, or are absolutely harmless no matter how often used, or that use thereof will prevent attacks of asthma and hay fever or the recurrence thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Theodore Radin, Inc., Docket 3992, May 13, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint with one exception therein specified, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Theodore Radin, Inc., its representatives, agents and employees, directly or through

any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce as "commerce" is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations containing drugs now designated by the names "Glycirenin," "Glycirenin-Forte," "Jodirenin," "Inhaledrin-Compositum" and "Aerizon," or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names; or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements represent directly or through implication that said medicinal preparations "Glycirenin," "Glycirenin-Forte," "Jodirenin," "Inhaledrin-Compositum" and "Aerizon," are cures or remedies for asthma, hay fever, sinus discomfort, bronchial asthma and other bronchial ailments, or that they constitute competent and effective treatments therefor in excess of furnishing temporary symptomatic relief from the paroxysms of asthma, attacks of hay fever, bronchial irritations and sinus discomforts; that said preparations are absolutely harmless no matter how often used; that the use of said preparations will prevent attacks of asthma and hay fever or the recurrence thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2040; Filed, May 20, 1940;
11:16 a. m.]

[Docket No. 4016]

IN THE MATTER OF GLOBE RUMMAGE MART

§ 3.6 (c5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, directly or indirectly, in connection with offer, etc., in commerce, of secondhand wearing apparel, that (1) such apparel purchased from junk or other secondhand dealers, which is old or out of style, is seasonable and saleable merchandise of the latest or currently popular style, or (2) that such apparel, thus purchased, which is old, dirty, badly worn or generally unsaleable, is saleable

merchandise in good condition or is only slightly used merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Globe Rummage Mart, Docket 4016, May 13, 1940]

§ 3.6 (a) (30) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock:* § 3.6 (w) *Advertising falsely or misleadingly—Refunds and replacements:* § 3.72 (k5) *Offering deceptive inducements to purchase—Replacement guarantee:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements.* Representing, in connection with offer, etc., in commerce, of secondhand wearing apparel, that respondent has complete assortments of wearing apparel available, or that respondent will make replacements or refunds when merchandise is not satisfactory, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Globe Rummage Mart, Docket 4016, May 13, 1940]

IN THE MATTER OF LOUIS GOLDMAN, AN
INDIVIDUAL TRADING AS GLOBE RUMMAGE
MART

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Louis Goldman, individually and trading as Globe Rummage Mart, or under any other name or names, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of secondhand wearing apparel in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that wearing apparel purchased from junk or other secondhand dealers, which is old or out of style is seasonable and saleable merchandise of the latest or currently popular style.

2. Representing, directly or indirectly, that wearing apparel purchased from junk or other secondhand dealers, which is old, dirty, badly worn or generally

¹ 5 F.R. 1182.

unsaleable, is saleable merchandise in good condition or is only slightly used merchandise.

3. Representing that respondent has complete assortments of wearing apparel available.

4. Representing that respondent will make replacements or refunds when merchandise is not satisfactory, when such is not the fact.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2041; Filed, May 20, 1940;
11:17 a. m.]

[Docket No. 4057]

IN THE MATTER OF B & T SALES COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' "Menstru-Eze," or other similar medicinal preparation, which advertisements represent, directly or through implication, that said medicinal preparation is a cure or remedy for delayed, difficult, painful or irregular menstruation, or that it has any therapeutic value in the treatment of such conditions or in relieving the pain which may be incident thereto, or that said preparation is of any therapeutic or beneficial value to women during the menopause period, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, B & T Sales Company, Docket 4057, May 13, 1940]

IN THE MATTER OF HOWARD L. BREWER,
AND ALBERT L. TRIBBETT, INDIVIDUALLY
AND TRADING AS B & T SALES COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Howard L. Brewer and Albert L. Tribbett, individually, and trading as B & T Sales Company, or trading under any other name or names, their agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of a medicinal preparation designated as "Menstru-Eze," or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisement represents, directly or through implication, that said medicinal preparation is a cure or remedy for delayed, difficult, painful or irregular menstruation or that it has any therapeutic value in the treatment of such conditions or in relieving the pain which may be incident thereto, or that said preparation is of any therapeutic or beneficial value to women during the menopause period.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2042; Filed, May 20, 1940;
11:18 a. m.]

[Docket No. 4062]

IN THE MATTER OF S. M. LABORATORIES COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's drug-containing "Neofem Capsules," "Neofem Liquid," and "Cerene," or other similar preparations, which advertisements represent, directly or through implication, that said prepara-

tions are cures or remedies for painful or delayed menstruation or constitute safe, competent, or effective treatments therefor, or that their use provides safe or sane ways of self-medication in securing relief from delayed menstruation, that "Neofem Liquid" provides a potent, direct and positive relief for cases of delayed menstruation, that "Cerene" will give relief for stubborn cases of delayed menstruation, or that it is dependable for such use; or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, S. M. Laboratories Company, Docket 4062, May 13, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits, as to its past acts and practices, all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, S. M. Laboratories Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of preparations containing drugs now designated by the names of "Neofem Capsules," "Neofem Liquid," and "Cerene," or any other preparations composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or any other names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisements represent, directly or through implication, that said preparations, "Neofem Capsules," "Neofem Liquid," and "Cerene," are cures or remedies for painful or delayed menstruation or constitute safe, competent, or effective treatments therefor or that their use

provides safe or sane ways of self-medication in securing relief from delayed menstruation; that Neofem Liquid provides a potent, direct and positive relief for cases of delayed menstruation; that Cerene will give relief for stubborn cases of delayed menstruation or that it is dependable for such use; or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2043; Filed, May 20, 1940;
11:18 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 133—AMENDMENT TO GENERAL LICENSE NO. 3 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General License No. 3¹ is hereby amended to read as follows:

"A general license is hereby granted authorizing banking institutions within the United States:

(a) to make payments from accounts in which Norway or Denmark or a national thereof has a property interest within the meaning of the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, of checks and drafts drawn or issued prior to April 8, 1940, and to accept and pay and debit to such accounts drafts drawn prior to April 8, 1940, under letters of credit, and

(b) to make payments from accounts in which the Netherlands, Belgium or Luxembourg or a national thereof has a property interest within the meaning of the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, of checks and drafts drawn or issued prior to May 10, 1940, and to accept and pay and debit to such accounts drafts drawn prior to May 10, 1940, under letters of credit;

"Provided, That each banking institution making, after May 17, 1940, any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve bank

weekly reports showing the details of such transactions."*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.
MAY 17, 1940.

[F. R. Doc. 40-2032; Filed, May 18, 1940;
11:25 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Park Service.

ORDER DESIGNATING THE MANASSAS NATIONAL BATTLEFIELD PARK, VIRGINIA

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas certain lands and structures in Manassas Magisterial District, Prince William County, Virginia, because of their historical importance as the battlefield site of the First and Second battles of Manassas during the war between the States, have been declared by the Advisory Board on National Parks, Historic Sites, Buildings and other monuments to be of national significance; and

Whereas title to the above-mentioned lands with the buildings and structures thereon is vested in the United States:

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, under and by virtue of the authority conferred by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate all those certain tracts or parcels of land, with the structures thereon, containing approximately 1,604.575 acres and situated in Manassas Magisterial District, Prince William County, Virginia, as shown upon the diagram¹ hereto attached and made a part hereof, to be a national historic site, having the name "Manassas National Battlefield Park".

The administration, protection, and development of this area shall be exercised by the National Park Service in accordance with the provisions of the act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this park.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be

*Part 133; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended, May 10, 1940.

¹See p. 1825.

affixed, in the City of Washington this 10th day of May, 1940.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-2025; Filed, May 18, 1940;
9:16 a. m.]

DEPARTMENT OF AGRICULTURE.

Food and Drug Administration.

[Docket No. FDC-16]

IN THE MATTER OF THE PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH TO DETERMINE WHETHER THE REGULATIONS ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES SHALL BE AMENDED

PRESIDING OFFICER'S SUGGESTED FINDINGS OF FACT AND SUGGESTED ORDER

Upon the basis of the evidence received at the above-entitled hearing duly held pursuant to the notice issued by the Secretary on March 29, 1940, and published in the FEDERAL REGISTER of March 30, 1940, the undersigned Presiding Officer having presided pursuant to the Secretary's designation dated March 29, 1940, suggests the following findings of fact and order, namely:

Finding 1. There is in effect a standard of identity for canned tomatoes duly promulgated by the Secretary on January 1, 1940, which does not include calcium Chloride as an optional ingredient. (O. I. P. Ex. Abv. 1)

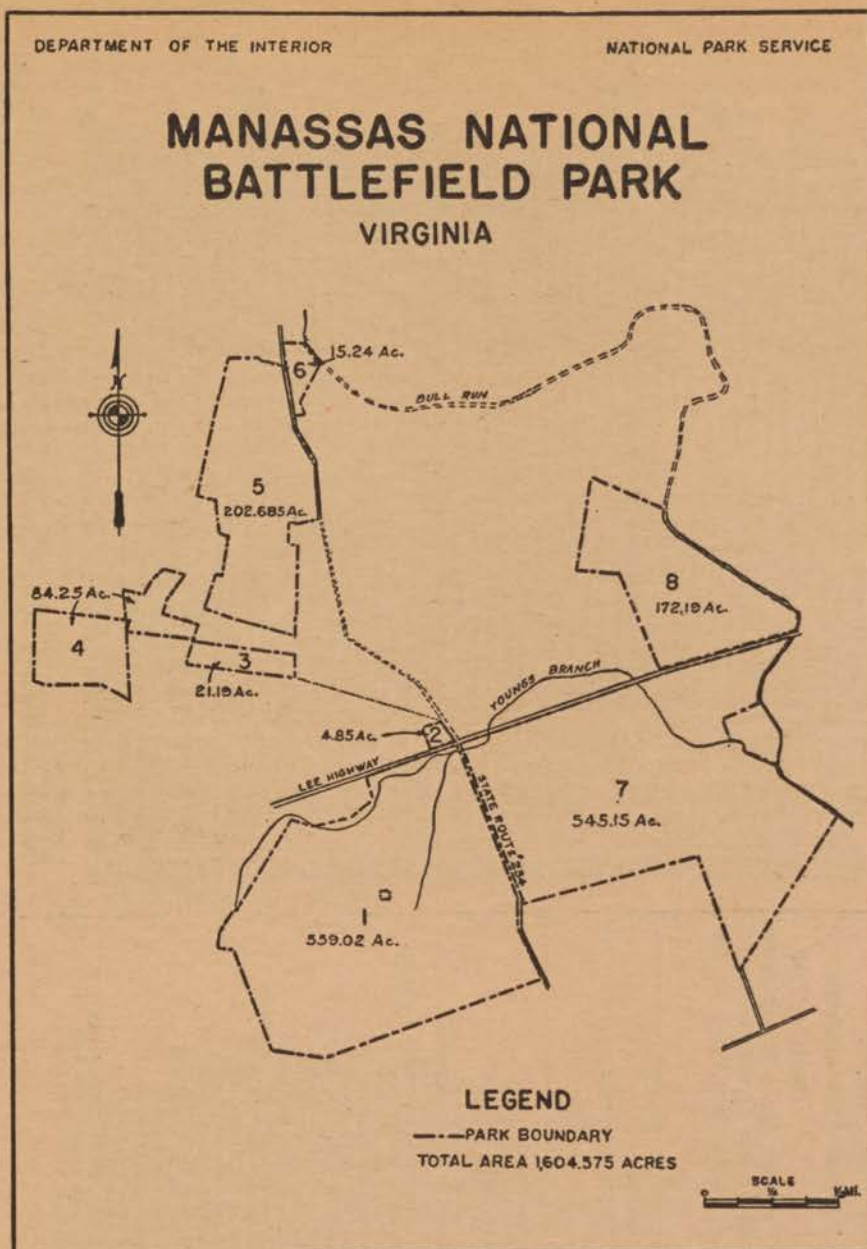
Finding 2. Fresh tomatoes, like all fresh fruits, contain pectic constituents which are relatively insoluble and which form a firm gel around the fibrous tissues of the tomato thus preventing their collapse and in that way aid in keeping the tomato firm. (R., pp. 15-16, 38-42; Gov't. Exs. 6, 7)

Finding 3. The process of canning causes a break-down of the cell structure of mature tomatoes. (R., pp. 13-15, 120-121, 137, 152-153; Gov't. Exs. 3, 4, 6; O. P. Ex. 3)

Finding 4. When there is a break-down of the cell structure, the pectic constituents naturally present in tomatoes are brought into contact with enzymes, also naturally present in tomatoes, and by reason of such contact the pectic constituents are transformed into a pectic acid by the action of an enzyme, thus increasing the proportion of pectic acid present in tomatoes. (R., pp. 15-16, 18-19, 42-43, 46-47, 49, 119, 139, 148-149)

Finding 5. Pectic acid imparts less firmness to tomato tissues than the original pectic constituents, and when such constituents are transformed into pectic acid, the tomato tissues, being no longer

¹5 F.R. 1695.



supported by them, tend to collapse. (R., pp. 46-47; O. P. Ex. 3; Gov't. Exs. 6, 7)

Finding 6. Fully ripe tomatoes of the highest grade are most susceptible to break-down of tissues. (R., pp. 63-64, 152-153, 164-168)

Finding 7. The calcium salt of pectin acid is extremely insoluble. (R., pp. 18-19)

Finding 8. The addition of calcium salts to tomatoes causes the formation of a calcium pectate gel which supports the tissues and protects the tomato against softening which naturally results when pectin substances are converted into pectic acids. (R., pp. 18-19, 41-42, 46-47, 49-50, 139, 149; O. P. Ex. 3; Gov't. Exs. 6, 7)

Finding 9. On the basis of reported experiments, the calcium salt best suited for the purpose of retaining tomatoes in

a firm state and the only one demonstrated to be entirely satisfactory for that purpose is pure, anhydrous calcium chloride. (R., pp. 19-20, 57-59, 108-109, 113, 130-131, 139; O. P. Ex. 3; Gov't. Exs. 6, 7)

Finding 10. When calcium chloride, in proper amount, is added to tomatoes before canning, the firmness of the finished canned tomato approaches the firmness of the tomato before canning. (R., pp. 23, 32, 152, 153)

Finding 11. When an excessive amount of calcium chloride is added to tomatoes such tomatoes will acquire a "salty" or "bitter" taste and will become excessively firm, that is, they will acquire a "tough" or "rubbery" texture. (R., pp. 19, 24, 33, 34, 109, 111, 113, 132, 139, 144, 149)

Finding 12. The amount of pure, anhydrous calcium chloride required to be

added to tomatoes to retain the optimum firmness varies, the variation depending on the degree of maturity or firmness of the original tomato which in turn varies with different growing conditions, climatic conditions and varietal differences of the tomatoes, but it has been established that the maximum amounts reasonably required on the basis of such variations is about 0.05 percent by weight of the finished canned tomatoes. (R., pp. 25-26, 28-29, 105, 108-109, 114-115, 121-122, 134, 139; O. P. Ex. 3; Gov't. Exs. 3, 4, 6, 7)

Finding 13. Consumers object to excessively softened tomatoes and demand those which retain their shape to a considerable degree and which are sufficiently firm so that they can be cut across and used in salads and the like. (R., pp. 137-138, 172, 174)

CONCLUSIONS

On the basis of the foregoing suggested findings of fact it is concluded that the definition and standard of identity for canned tomatoes promulgated by the Secretary on July 14, 1939 (§ 53.040, Title 21, C. F. R.), should be amended by adding thereto the language appearing in italics and deleting therefrom the language appearing in brackets as follows:

§ 53.040 *Canned tomatoes.* Identity; label statement of optional ingredients:

(a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) *Purified calcium chloride, in a quantity reasonably necessary to firm the tomatoes, but in no case more than 0.05 percent (calculated as anhydrous calcium chloride) of the weight of the finished canned tomatoes.*

It may be seasoned with one or more of the optional ingredients:

[(4)] (5) Salt.

[(5)] (6) Spices.

[(6)] (7) Flavoring.

(b) When optional ingredient (2) is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning." When optional ingredient (3) is present, the label shall bear the statement "With Added Strained Tomatoes." When optional ingredient (4) is present, the label shall bear the statement "Trace of Calcium Chloride Added" or "With Added Trace of Calcium Chloride." When optional ingredient [(5)] (6) or [(6)] (7) is present, the label shall bear

Administrative order		Change project designation	
Number	Date	From—	To—
421	Dec. 21, 1939	Florida 7023A2 Levy	Florida 0-7023A2 Levy.
421	do	Indiana 9092C1 Jackson	Indiana 0-9092C1 Jackson.
421	do	Louisiana 7018A2 Beauregard	Louisiana 0-7018A2 Beauregard.
421	do	Maryland 7007B3 Caroline	Maryland 0-7007B3 Caroline.
421	do	Mississippi 8045B2 Clarke-Lauderdale	Mississippi 0-8045B2 Clarke-Lauderdale.
422	Dec. 26, 1939	South Carolina 7014R1 Aiken	South Carolina 0-7014R1 Aiken.
423	Jan. 5, 1940	Arkansas 9026A1 Fulton	Arkansas 0-9026A1 Fulton.
424	do	Nebraska 8024B2 Lancaster District Public	Nebraska 0-8024B2 Lancaster District Public.
424	do	Nebraska 7024B3 Lancaster District Public	Nebraska 0-7024B3 Lancaster District Public.
424	do	Virginia 8038A1 Loudoun	Virginia 0-8038A1 Loudoun.
425	do	Arkansas 7026W1 Fulton	Arkansas 0-7026W1 Fulton.
426	do	Georgia 8035R1 Walton	Georgia 0-8035R1 Walton.
427	Jan. 8, 1940	Florida 8015A2 Lafayette	Florida 0-8015A2 Lafayette.
427	do	Iowa 7005C2 Carroll	Iowa 0-7005C2 Carroll.
427	do	South Carolina 8023B2 Dorchester	South Carolina 0-8023B2 Dorchester.
428	Jan. 13, 1940	Alabama 8020W2 Baldwin	Alabama 0-8020W2 Baldwin.
428	do	Colorado 8007W1 Mesa	Colorado 0-8007W1 Mesa.
428	do	Colorado 7014W4 Alamosa	Colorado 0-7014W4 Alamosa.
428	do	Indiana 7007W1 Whitely	Indiana 0-7007W1 Whitely.
428	do	Mississippi 8021W1 Coahoma	Mississippi 0-8021W1 Coahoma.
428	do	Mississippi 9023W1 Copiah	Mississippi 0-9023W1 Copiah.
428	do	Mississippi 9038W1 Warren	Mississippi 0-9038W1 Warren.
428	do	Missouri 9030W2 Lawrence	Missouri 0-9030W2 Lawrence.
428	do	Pennsylvania R9017W1 Armstrong	Pennsylvania 0-R9017W1 Armstrong.
429	do	Indiana 7052B1 Ripley	Indiana 0-7052B1 Ripley.
429	do	Minnesota 8018D2 Douglas	Minnesota 0-8018D2 Douglas.
429	do	Minnesota 8079B2 Big Stone	Minnesota 0-8079B2 Big Stone.
429	do	Oregon 8016A1 Malheur	Oregon 0-8016A1 Malheur.
429	do	Oregon 7016A2 Malheur	Oregon 0-7016A2 Malheur.
429	do	South Carolina 8022A2 Fairfield	South Carolina 0-8022A2 Fairfield.
431	Feb. 2, 1940	Florida 8014G3 Clay	Florida 0-8014G3 Clay.
432	do	Indiana 7041W1 LaGrange	Indiana 0-7041W1 LaGrange.
432	do	Mississippi 9022W2 Leake	Mississippi 0-9022W2 Leake.
432	do	Mississippi 9031W1 Washington	Mississippi 0-9031W1 Washington.
432	do	Pennsylvania 8015W3 Bradford	Pennsylvania 0-8015W3 Bradford.
432	do	Wisconsin 7057W2 Rusk	Wisconsin 0-7057W2 Rusk.
434	Feb. 6, 1940	Pennsylvania 9006H1 Indiana	Pennsylvania 0-9006H1 Indiana.
440	Mar. 11, 1940	Arkansas R9013W1 Johnson	Arkansas 0-R9013W1 Johnson.
440	do	Indiana R9008W1 Wabash	Indiana 0-R9008W1 Wabash.
440	do	Indiana R9033W1 Hendricks	Indiana 0-R9033W1 Hendricks.
440	do	Indiana 9080W1 Noble	Indiana 0-9080W1 Noble.
440	do	Indiana R9083W1 Kosciusko	Indiana 0-R9083W1 Kosciusko.
440	do	Nebraska R9066W1 Nebraska District Public	Nebraska 0-R9066W1 Nebraska District Public.
440	do	North Dakota R9011W4 Cass	North Dakota 0-R9011W4 Cass.
441	do	Mississippi R9036W2 Marion	Mississippi 0-R9036W2 Marion.
441	do	Missouri 9049W1 Howell	Missouri 0-9049W1 Howell.
441	do	New Mexico R9008U1 Roosevelt	New Mexico 0-R9008U1 Roosevelt.
441	do	Oklahoma 7014W2 Love	Oklahoma 0-7014W2 Love.
441	do	Oregon R9017W1 Douglas	Oregon 0-R9017W1 Douglas.
441	do	Utah R9006W2 Garfield	Utah 0-R9006W2 Garfield.
442	do	Georgia R9094A1 Jones	Georgia 0-R9094A1 Jones.
442	do	Georgia 9005A1 Clinch	Georgia 0-9005A1 Clinch.
442	do	Indiana 8037C2 Jay	Indiana 0-8037C2 Jay.
442	do	Mississippi 8001E1 Monroe	Mississippi 0-8001E1 Monroe.
442	do	Missouri R9046A1 Taney	Missouri 0-R9046A1 Taney.
442	do	Missouri 8046A2 Taney	Missouri 0-8046A2 Taney.
442	do	South Carolina 9024A2 Marion	South Carolina 0-9024A2 Marion.
444	Mar. 23, 1940	Indiana 7081W1 Sullivan	Indiana 0-7081W1 Sullivan.
444	do	Iowa 9040W1 Marion	Iowa 0-9040W1 Marion.
444	do	Minnesota 8010W1 Carlton	Minnesota 0-8010W1 Carlton.
445	do	Minnesota R9083A1 Hubbard	Minnesota 0-R9083A1 Hubbard.
445	do	Texas 8096A2 Victoria	Texas 0-8096A2 Victoria.
451	Apr. 23, 1940	Arkansas 0027A1 Ouachita	Arkansas 9-0027A1 Ouachita.

* Designation as amended by Administrative Order No. 446.

* Amendment to Administrative Order No. 309.

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-2044; Filed, May 20, 1940; 11:29 a. m.]

Regulations, Part 557), and the functions of said Committee have now been completed;

Now, therefore, it is ordered, That Industry Committee No. 1-A for the Woolen Industry and Industry Committee No. 4 for the Hat Industry be and they hereby are dissolved.

Signed at Washington, D. C., this 17th day of May 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-2031; Filed, May 18, 1940; 11:23 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and Section 522.5 of Regulations Part 522, as amended, to the employers listed below effective May 21, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and the minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 24, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

Telephone Order, April 9, 1940 (5 F.R. 1371).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Wyatt Knitting Company, Sanford, North Carolina; Hosiery; Full Fashioned; 5 learners; September 18, 1940.

Rhineland Telephone Company 45 North Stevens Street, Rhineland, Wisconsin; Independent Branch of the Telephone Industry; to employ learners (as indicated in the Telephone Order) as

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 52]

DISSOLVING INDUSTRY COMMITTEE NO. 1-A FOR THE WOOLEN INDUSTRY AND INDUSTRY COMMITTEE NO. 4 FOR THE HAT INDUSTRY

Whereas, the Administrator by Administrative Order No. 11 dated January 7, 1939, appointed Industry Committee No. 1-A for the Woolen Industry, which Committee has duly investigated conditions in said industry and recommended a minimum wage rate therefor which has been approved and carried into effect by

the Administrator in a Wage Order dated May 13, 1940¹ (Title 29, Chapter V, Code of Federal Regulations, Part 556), and the functions of said Committee have now been completed; and

Whereas, the Administrator by Administrative Order No. 16 dated March 7, 1939, appointed Industry Committee No. 4 for the Hat Industry, which Committee recommended minimum wage rates therefor which have been approved and carried into effect by the Administrator in a Wage Order dated May 13, 1940² (Title 29, Chapter V, Code of Federal

¹ 5 F.R. 1730.

² 5 F.R. 1731.

commercial and switchboard operators until December 31, 1940.

Signed at Washington, D. C., this 20th day of May 1940.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 40-2047; Filed, May 20, 1940;
11:55 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 219]

IN THE MATTER OF THE PETITION OF BOSTON-MAINE AIRWAYS, INC., FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER ROUTE No. 27, PURSUANT TO SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is assigned for oral argument before the Authority on June 5, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C.

Dated Washington, D. C., May 17, 1940.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-2046; Filed, May 20, 1940;
11:48 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5639]

IN THE MATTER OF MONTANA-DAKOTA UTILITIES Co.

NOTICE OF APPLICATION

MAY 16, 1940.

Notice is hereby given that on May 16, 1940, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of \$1,200,000 in principal amount of First Mortgage Sinking Fund Bonds, 4½% Series Due May 1, 1956, and the issuance of \$350,000 unsecured 4¼% Promissory Notes, to be due March 15, 1946; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 1st

day of June, 1940, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2024; Filed, May 18, 1940;
9:16 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4003]

IN THE MATTER OF MICHAEL S. CHIOLAK, AN INDIVIDUAL TRADING AS TONE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of May, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41):

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 4, 1940, at two o'clock in the afternoon of that day (central standard time) in the Federal Court Room, Federal Building, Winona, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2027; Filed, May 18, 1940;
10:09 a. m.]

[Docket No. 4021]

IN THE MATTER OF PURITY PRODUCTS, INC., A CORPORATION, THE JOURNAL OF LIVING CORPORATION, A CORPORATION, AND VICTOR H. LINDBLARE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of May, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursu-

ant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, June 14, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2028; Filed May 18, 1940;
10:09 a. m.]

[Docket No. 4063]

IN THE MATTER OF WARNER'S RENOWNED REMEDIES COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of May, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 31, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 318, Federal Building, Cedar Rapids, Iowa.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2029; Filed, May 18, 1940;
10:09 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-35]

EXEMPTION OF CASUAL, OCCASIONAL, OR RECIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE

At a session of the interstate commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of May, A. D. 1940.

Section 203 (b) of the Motor Carrier Act, 1935, and the petition of National Bus Association for removal of exemption of casual and occasional transportation of passengers from the provisions of the Motor Carrier Act, 1935, being under consideration; and good cause therefor appearing;

It is ordered, That an investigation be, and it is hereby, instituted into practices with respect to the casual, occasional, or reciprocal transportation of passengers in interstate or foreign commerce for compensation for the purpose of determining whether the exemption of such transportation as provided in section 203 (b) (9) of said Act, should be removed to the extent necessary to make applicable all provisions of said Act to such transportation when it is sold, or offered for sale, or provided, or procured, or furnished, or arranged for, by any person who holds himself or itself out as one who sells or offers for sale transportation wholly or partially subject to said Act, or who negotiates for, or holds himself or itself out by solicitation, advertisement, or otherwise, as one who sells, provides, furnishes, contracts, or arranges for, such transportation;

It is further ordered, That this proceeding be, and it is hereby assigned for hearing before Examiner McCaslin at the following times and places:

June 6, 1940, 9 a. m., (standard time), Skirvin Hotel, Oklahoma City, Oklahoma.

June 10, 1940, 9 a. m., (standard time), Baker Hotel, Dallas, Texas.

June 17, 1940, 9 a. m., (standard time), New Rosslyn Hotel, Los Angeles, California.

June 25, 1940, 9 a. m., (standard time), Empire Hotel, San Francisco, California.

June 29, 1940, 9 a. m., (standard time), Olympic Hotel, Seattle, Washington.

July 6, 1940, 9 a. m., (standard time), rooms of the Public Utilities Commission, Denver, Colorado.

July 12, 1940, 9 a. m., (standard time), Sherman Hotel, Chicago, Illinois.

July 16, 1940, 9 a. m., (standard time), St. George Hotel, Brooklyn, New York.

And it is further ordered, That notice of this proceeding and hearings therein be duly given.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-2045; Filed, May 20, 1940; 11:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-298, 7-299, 7-300, 7-301, 7-302, 7-308, 7-305, 7-306, 7-307, 7-258, 7-257]

IN THE MATTER OF APPLICATIONS BY THE DETROIT STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ANACONDA COPPER MINING COMPANY COMMON STOCK, \$50 PAR VALUE; BUDD WHEEL COMPANY COMMON STOCK, NO PAR VALUE; CITIES SERVICE COMPANY COMMON STOCK, \$10 PAR VALUE; THE ELECTRIC AUTO-LITE COMPANY COMMON STOCK, \$5 PAR VALUE; ELECTRIC POWER & LIGHT CORP. COMMON STOCK, NO PAR VALUE; MONTGOMERY WARD & CO. INC. COMMON STOCK, NO PAR VALUE; PENNSYLVANIA RAILROAD COMPANY CAPITAL STOCK, \$50 PAR VALUE; SEARS, ROEBUCK AND COMPANY CAPITAL STOCK, NO PAR VALUE; UNITED STATES RUBBER COMPANY COMMON STOCK, \$10 PAR VALUE; UNITED STATES STEEL CORP. COMMON STOCK, NO PAR VALUE; YELLOW TRUCK & COACH MFG. CO. CLASS "B" STOCK, \$1 PAR VALUE; SECURITIES EXCHANGE ACT OF 1934 SECTION 12 (F) (2)

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1940.

The Detroit Stock Exchange, having made application to the Commission pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to the above described securities; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, that the instant applications of such Exchange to extend unlisted trading privileges to Anaconda Copper Mining Company Common Stock, \$50 Par Value, Budd Wheel Company Common Stock, No Par Value, Cities Service Company Common Stock, \$10 Par Value, The Electric Auto-Lite Company Common Stock, \$5 Par Value, Electric Power & Light Corp. Common Stock, No Par Value, Montgomery Ward & Co. Inc. Common Stock, No Par Value, Pennsylvania Railroad Company Capital Stock, \$50 Par Value, Sears, Roebuck and Company Capital Stock, No Par Value, United States Rubber Company Common Stock, \$10 Par Value, United States Steel Corp. Common Stock, No Par Value, and Yellow Truck & Coach Mfg. Co. Class "B" Stock, \$1 Par Value, be and the same hereby are approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2034; Filed, May 18, 1940; 11:35 a. m.]

4 F.R. 247.

[File No. 70-63]

IN THE MATTER OF THE NARRAGANSETT ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1940.

An application and declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered that a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 4, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 31, 1940.

The matter concerned herewith is in regard to an application and declaration filed by The Narragansett Electric Company, a subsidiary company of New England Power Association, International Hydro-Electric System and Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Liquidating Trustees, under a Trust Agreement dated January 31, 1939, all registered holding companies, regarding the proposed issuance and sale, after competitive bidding, of 180,000 shares of Cumulative Preferred Stock, with a par value of \$50 per share, of said The Narragansett Electric Company. The dividend rate on said Cumulative Preferred Stock will be determined after bids are received.

Applicant states that it desires to consummate the proposed transaction in order to permanently finance capitalizable additions to its property heretofore made and to be made; that capitalizable additions heretofore made have been financed through borrowings to the

extent of \$3,683,712.50 of which \$3,183,712.50 is evidenced by notes payable to banks and \$500,000 is represented by open account borrowing from United Electric Railways Company, an associate company.

Applicant further states that the proceeds from the sale of said Cumulative Preferred Stock (estimated to be \$9,000,000) will be expended as follows:

- (1) To pay said bank loans and open account indebtedness (\$3,683,712.50);
- (2) To reimburse the treasury of the company for capitalizable expenditures made to March 31, 1940 from current funds (\$2,631,558); and
- (3) To pay toward the amount of capitalizable expenditures made and to be made from and after March 31, 1940 for construction work now in progress (\$2,684,729.50).

Applicant states that prior to the issue and sale the same will have been authorized by the Public Utility Administrator in the Department of Business Regulation of the State of Rhode Island, in which state the company is organized and doing business.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2033; Filed, May 18, 1940;
11:35 a. m.]

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1940.

It appearing to the Commission that a hearing¹ in the above-captioned matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 has been set for the twentieth day of May, 1940, at 10 o'clock a. m. at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It appearing to the Commission that further time for consideration of certain issues raised by the answer filed by The United Gas Improvement Company and certain subsidiary companies thereof to the Notice of and Order for Hearing in the above-captioned matter is desirable before proceeding to hearing in such matter

It is therefore ordered, That such hearing be, and the same hereby is, postponed until the third day of June, 1940, at 10 o'clock a. m. at the office of the Securities and Exchange Commission in Washington, D. C. On such

day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held. All interested parties or persons will govern themselves accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2036; Filed, May 20, 1940;
11:12 a. m.]

[File No. 70-58]

IN THE MATTER OF WISCONSIN POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 5, 1940, at 10:00 o'clock in the fore noon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 31, 1940.

The matter concerned herewith is in regard to the proposed issue and sale by applicant to Continental Illinois National Bank and Trust Company of Chicago of:

- (a) \$1,850,000 of 2¼% unsecured notes, maturing in ten semi-annual installments of \$185,000 each beginning December 1, 1941; and
- (b) An unsecured 2¾% note for not more than \$1,000,000, maturing in four

semi-annual installments of \$185,000 each beginning December 1, 1946 and one installment of \$260,000 on December 1, 1948.

The proceeds from the sale of the \$1,850,000 of 2¼% notes are to be applied to the redemption of an equal principal amount of outstanding 4% Serial Debentures of applicant due serially June 1, 1942 to June 1, 1946. Concurrently, applicant will deposit in trust cash sufficient to pay principal and interest to maturity of all unpaid 4% Serial Debentures maturing on or prior to June 1, 1941, being the balance of such Debentures outstanding.

If the proceeds thereof are needed, the 2¾% note will be issued at any time prior to June 1, 1941 in the amount of \$1,000,000 (or for any lesser amount at applicant's option) to obtain funds to be applied toward the cost of an additional 30,000 kilowatt steam generating unit to be installed in the applicant's Edgewater generating station at Sheboygan, Wisconsin. Applicant will pay said Continental bank \$2,500 in cash as a standby fee for its agreement to make such loan on or before June 1, 1941.

Applicant is a public-utility company subsidiary of North West Utilities Company, a registered holding company, which is in turn a subsidiary of The Middle West Corporation, also a registered holding company.

Applicant has designated the third sentence of section 6 (b) of the Act as applicable to the above transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2037; Filed, May 20, 1940;
11:12 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS WEDNESDAY, MAY 15, 1940

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

¹ 5 FR. 1723.

IN ARREARS			IN ARREARS—Continued			IN EXCESS—Continued			
State	Number of positions to which entitled	Number of positions occupied	State	Number of positions to which entitled	Number of positions occupied	State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN ARREARS						IN EXCESS—Continued			
1. Virgin Islands.....	9	0	34. West Virginia.....	737	722	51. Virginia.....	1,032	2,050	-46
2. Puerto Rico.....	658	46	35. Maine.....	340	335	52. Maryland.....	695	2,098	+12
3. Hawaii.....	157	17	36. Washington.....	666	659	53. District of Columbia..	207	8,865	-31
4. Alaska.....	25	8	37. Massachusetts.....	1,810	1,800	GAINS			
5. California.....	2,418	869	38. Missouri.....	1,546	1,545	By appointment.....			288
6. Texas.....	2,481	1,013				By transfer.....			42
7. Louisiana.....	895	426	State	Number of positions to which entitled	Number of positions occupied	By correction.....			2
8. Michigan.....	2,063	1,005				Total.....			332
9. Arizona.....	186	100				LOSSES			
10. South Carolina.....	741	415	QUOTA FILLED			By separation.....			83
11. New Jersey.....	1,721	1,029	39. New Hampshire.....	198	198	By transfer.....			217
12. Mississippi.....	856	519				Total.....			300
13. Ohio.....	2,831	1,729	IN EXCESS			Total Appointments.....			53,145
14. Alabama.....	1,127	690	40. Pennsylvania.....	4,102	4,180	NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,640.			
15. Arkansas.....	790	492	41. North Dakota.....	290	297	By direction of the Commission.			
16. Georgia.....	1,239	793	42. Kansas.....	801	821	[SEAL] L. A. MOYER,			
17. Oklahoma.....	1,021	659	43. New York.....	5,362	5,574	Executive Director and Chief Examiner.			
18. Kentucky.....	1,114	738	44. Rhode Island.....	293	306	[F. R. Doc. 40-2035; Filed, May 20, 1940;			
19. North Carolina.....	1,350	918	45. Colorado.....	441	467	10:29 a. m.]			
20. New Mexico.....	180	128	46. Utah.....	216	231				
21. Tennessee.....	1,115	848	47. Minnesota.....	1,092	1,185				
22. Illinois.....	3,250	2,572	48. Iowa.....	1,052	1,167				
23. Nevada.....	32	32	49. South Dakota.....	295	334				
24. Wisconsin.....	1,252	1,042	50. Nebraska.....	587	722				
25. Indiana.....	1,379	1,200							
26. Connecticut.....	684	614							
27. Idaho.....	190	174							
28. Delaware.....	102	94							
29. Florida.....	625	582							
30. Oregon.....	406	383							
31. Vermont.....	153	145							
32. Wyoming.....	96	91							
33. Montana.....	229	218							